

Message Text

LIMITED OFFICIAL USE POSS DUPE

PAGE 01 STATE 245752

54

ORIGIN NEA-12

INFO OCT-01 ISO-00 L-03 EB-11 AID-20 COME-00 TRSE-00

CIAE-00 DODE-00 FMC-04 INR-10 NSAE-00 RSC-01 CG-00

COA-02 DLOS-06 DOTE-00 SPC-03 /073 R

DRAFTED BY NEA/PAB:LBLESSER:MRC

APPROVED BY NEA/PAN:PDCONSTABLE

L/EB:DBURNS

EB/OT/GCP:DDUNFORD

EB/OT/STA:RWINSTANLEY

L/NEA:ATBROWN

DESIRED DISTRIBUTION

AID/ASIA/SA:RBECKAMN, DOC/BIC:DWESTLEY, TREAS:SCANNER

----- 023477

R 171827Z DEC 73

FM SECSTATE WASHDC

TO AMEMBASSY DACCA

LIMITED OFFICIAL USE STATE 245752

E.O. 11652: N/A

TAGS: ETRD, BGEN, BG

SUBJECT: COMMERCIAL TREATY: BRIEFING AND EXCHANGE OF VIEWS
WITH BANGLADESH AMBASSADOR

1. AT REQUEST OF BANGLADESH AMBASSADOR HOSSAIN ALI, DEPT.
OFFICERS LESSER (NEA/PAB) AND MUIR AND BURNS (L/EB), CALLED
AT BD EMBASSY DEC. 11 TO DISCUSS PRELIMINARY QUESTIONS OF
PROCEDURE AND SUBSTANCE RELATING TO NEGOTIATIONS OF BI-
LATERAL TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION (OR
MORE MODERN STYLE TREATY OF AMITY AND ECONOMIC RELATIONS)
FOLLOWING MODEL OF TREATY PRESENTLY IN FORCE BETWEEN US
AND PAKISTAN. FIRST SECY NURUL ISLAM WAS ALSO PRESENT AT
MEETING.

2. DEPTOFFS STATED THAT USG HAD CONSIDERABLE FLEXIBILITY

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 245752

ON PROCEDURE FOR NEGOTIATION OF TREATY. WE PROPOSED TO
PROVIDE BD EMBASSY WITH DRAFT TO PROVIDE BASIS FOR

NEGOTIATIONS FOR REFERENCE TO DACCA AND CONSIDERATION BY BDG. WE INDICATED THAT NEGOTIATIONS COULD PROCEED EITHER IN WASHINGTON OR IN DACCA- THIS PROPOSAL ACCEPTED BY AMB. ALI AND WE PROMISED TO TRY TO PROVIDE DRAFT BY BEGINNING FEBRUARY 1974. THIS ASSUMES THAT USG INTER-AGENCY CLEARANCE OF DRAFT, AND CIRCULAR 175 AUTHORITY CAN BE OBTAINED BEFORE THEN. DRAFT WILL BE PROVIDED FOR YOUR COMMENT ALSO BEFORE TAKING TO BENGALIS HERE.

LIMITED OFFICIAL USE

3. ALTHOUGH PROPOSED DRAFT PRESUMABLY WILL CLOSELY RESEMBLE US-PAKISTAN TREATY (COPIES OF WHICH PREVIOUSLY POUCHED DACCA), USG WILL SUGGEST SEVERAL ADDITIONS AND DELETIONS. MOST IMPORTANT ADDITIONAL PROPOSAL WILL BE ASSURANCE OF "NATIONAL TREATMENT" FOR AMERICAN TRADERS AND INVESTORS OPERATING IN BANGLADESH. ALSO WE WILL PROPOSE EXPLICIT STATEMENT THAT GOVERNMENT TRADE ENTITIES (E.G. TRADING CORP. OF BANGLADESH) ARE NOT ENTITLED TO "SOVEREIGN IMMUNITY" REGARDING COMMERCIAL DISPUTES IN THE OTHER COUNTRY, IN ACCORDANCE WITH CURRENTLY ACCEPTED INTERNATIONAL LAW PRINCIPLES. PROVISIONS REGARDING NAVIGATION, CUSTOMARY IN FCN-TYPE TREATIES, BUT ABSENT FROM PAKISTAN TREATY, WOULD ALSO BE PROPOSED. SUGGESTED DELETIONS WILL INCLUDE SEVERAL CLAUSES NOT CONSIDERED APPLICABLE OR MEANINGFUL, WHICH HAVE BEEN ELIMINATED IN AER TREATIES RECENTLY CONCLUDED.

4. WHILE NOT YET PREPARED TO DISCUSS SUBSTANTIVE QUESTIONS IN DETAIL, AMB. ALI EXPRESSED INTEREST IN KNOWING WHAT TYPES OF COMMERCIAL AGREEMENTS USG HAS CONCLUDED IN RECENT YEARS WITH OTHER GOVERNMENTS, ESPECIALLY SOCIALIST, (BOTH EASTERN AND WESTERN). FEW RELEVANT EXAMPLES EXIST, BUT DEPT. UNDERTAKING TO MAKE AVAILABLE COPIES OF FRIENDSHIP AND COMMERCE TREATIES WITH DENMARK AND TOGO AS CLOSEST THING TO WHAT IS PROPOSED FOR BANGLADESH. ALTHOUGH AT THIS POINT AMB. ALI PROBABLY DOES NOT YET HAVE DETAILED INSTRUCTIONS FROM DACCA, WE CONJECTURE HE AIMS TO BE REASSURED THAT BDG WILL NOT BE ASKED TO GIVE ANYTHING AWAY AND WOULD BE SUSPICIOUS OF DRAFT PROVISIONS NOT

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 245752

ALREADY PART OF USG TREATIES WITH OTHER GOVERNMENTS. SECONDLY, HE ANTICIPATES NEED TO NEGOTIATE LANGUAGE WITH USG THAT DOES NOT COMPROMISE BDG COMMITMENT TO SOCIALISM.

5. DEPT. INTERESTED IN BEING KEPT INFORMED OF ANY DISCUSSIONS BETWEEN EMBASSY AND BDG OF PROPOSED TREATY. YOU MAY DRAW ON INFORMATION IN THIS CABLE AT YOUR DISCRETION. RUSH

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: FCN AGREEMENTS, DIPLOMATIC DISCUSSIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 17 DEC 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE245752
Document Source: CORE
Document Unique ID: 00
Drafter: LBLESSER:MRC
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731220/aaaaaosh.tel
Line Count: 114
Locator: TEXT ON-LINE
Office: ORIGIN NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 18 DEC 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <18-Dec-2001 by kelleyw0>; APPROVED <11 MAR 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: COMMERCIAL TREATY: BRIEFING AND EXCHANGE OF VIEWS WITH BANGLADESH AMBASSADOR
TAGS: ETRD, BGEN, BG, US
To: DACCA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005